

**RESOLUTION NO. 19-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
CERTIFYING THE POINT MOLATE TRIBAL DESTINATION RESORT AND  
CASINO PROJECT ENVIRONMENTAL IMPACT REPORT (STATE  
CLEARINGHOUSE #2005032073)-FILE NO. PLN 08-089**

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**WHEREAS**, in 2002, the City Council (the “Council”) of the City of Richmond (the “City”) certified a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that analyzed the potentially significant environmental impacts of disposal and reuse of the Point Molate Naval Fuel Depot;

**WHEREAS**, in 2005 the Bureau of Indian Affairs (the “BIA”) and the City, acting as Lead Agencies, initiated the preparation of a joint EIS/EIR to analyze the environmental impacts of the Pt. Molate Mixed-Use Tribal Destination Resort and Casino (the “Proposed Project”).

**WHEREAS**, on March 15, 2005, the City filed a Notice of Preparation (the “NOP”) for the EIR with the California Office of Planning and Research (“OPR”) and distributed the NOP to public agencies and interested parties for a 30-day public review period that concluded on April 15, 2005;

**WHEREAS**, a public scoping meeting was held on March 31, 2005 to identify issues and areas of concern that should be analyzed in the EIS/EIR for the Proposed Project;

**WHEREAS**, a Notice of Completion of the Draft EIS/EIR was filed with OPR on July 10, 2009;

**WHEREAS**, the Draft EIS/EIR was circulated for a 105-day public review and comment period that concluded on October 23, 2009;

**WHEREAS**, on August 12, 2009, a public hearing was held before the City’s Design Review Board to receive comments on the Draft EIS/EIR;

**WHEREAS**, on September 8, 2009, another public hearing was held before the City’s Planning Commission to receive additional comments on the Draft EIS/EIR;

**WHEREAS**, on August 10 and 27, 2009, the City and BIA hosted two public workshops to provide the public two opportunities to discuss the analyses presented in the Draft EIS/EIR with the technical experts who prepared the analyses;

**WHEREAS**, the City received more than 400 written and verbal comments on the Draft EIS/EIR and has prepared written responses to all comments on environmental issues received during the public review and comment period;

**WHEREAS**, the community outreach process regarding alternative land uses for Pt. Molate provided for by the Sixth Amendment to the LDA between Upstream Pt. Molate LLC and the City dated May 18, 2010 was completed on December 7, 2010;

**WHEREAS**, the City and the BIA mutually determined that due to differing internal procedures and timelines, the environmental review process should be completed separately and the final documents bifurcated;

**WHEREAS**, on February 10, 2011, the Final EIR was published and made available to the public by providing hard copies at the Point Richmond branch library, Main Library, and Planning Division offices and a link to the document on the City’s website;

**WHEREAS**, on February 22, 2011 the City Council held a study session on the Final EIR;

**WHEREAS**, an errata to the Final EIR was prepared providing minor clarifications, technical corrections and revisions to the Final EIR;

**WHEREAS**, the Final EIR evaluated the potential environmental impacts that could result from the approval of the Project (and in particular focused on potentially significant impacts), analyzed a reasonable range of feasible alternatives to the Project and identified measures designed to mitigate or avoid the potentially significant impacts of the Project;

**WHEREAS**, where applicable, mitigation measures were identified to reduce those impacts to a less-than-significant level or to avoid those impacts, where feasible;

**WHEREAS**, the Final EIR was prepared, published, circulated and reviewed and completed in accordance with the requirements of CEQA, the CEQA Guidelines and the Richmond Municipal Code, and constitutes an adequate, accurate, objective and complete Final EIR in accordance with the requirements of CEQA, the CEQA Guidelines and the Richmond Municipal Code;

**WHEREAS**, the Final EIR reflects the independent judgment and analysis of the City Council;

**WHEREAS**, the Final EIR reflects the City's reasonable, good faith effort to disclose and evaluate environmental impacts of the Project, to identify and describe mitigation measures and alternatives, and to reasonably respond to comments on the Draft EIR;

**WHEREAS**, the Final EIR has been presented to the City Council and City Council has reviewed and considered the information contained therein and in the record supporting the Final EIR prior to making these findings;

**WHEREAS**, on March 8, 2011, the City Council held a public hearing to consider certification of the FEIR; and

**WHEREAS**, on March 8, 2011, the City Council, as Lead City Agency, has reviewed and considered the Final EIR in full compliance with State and City CEQA Guidelines.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Final Environmental Impact Report on the Point Molate Tribal Destination Resort was presented to the City Council and the City Council has reviewed and considered the information contained in the Final Environmental Impact Report on the Point Molate Tribal Destination Resort and Casino Project.

SECTION 2. The City Council certifies that the Final EIR was completed in full compliance with State law and City CEQA Guidelines, that there was adequate public review of the Draft EIR, that it has considered all comments on the Draft EIR and responses to comments and that the Final EIR adequately discusses all significant environmental issues.

SECTION 3. The Final EIR reflects the independent judgment and analysis of the City Council.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond, California at a special meeting thereof held March 8, 2011, by the following vote:

AYES: Councilmembers Beckles, Booze, Ritterman, and Rogers.

NOES: Mayor McLaughlin.

ABSTENTIONS: None.

ABSENT: Councilmember Bates and Vice Mayor Butt.

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California                    }  
County of Contra Costa                }                : ss.  
City of Richmond                        }

I certify that the foregoing is a true copy of **Resolution No. 19-11**, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on March 8, 2011.